

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

**WEDNESDAY
MARCH 26, 2014
8:00 A.M.**

PLANNING DEPARTMENT CONFERENCE ROOM

AGENDA

PRESENT:

___JOE GILLIS, CHAIRMAN
___LEN HOUSE, VICE CHAIRMAN
___WILLIAM SULLIVAN, TREASURER
___TODD RULISON, SECRETARY
___JOSEPH SEMIONE, MEMBER
___GEORGE BEVINGTON, MEMBER
___DIANA PUTNAM, MEMBER
___JAMES MRAZ, IDA EXECUTIVE DIRECTOR
___KARA LAIS, FITZGERALD, MORRIS, BAKER, FIRTH PC
___MIKE REESE, PRESIDENT, FULTON COUNTY CRG
___WILLIAM WALDRON, LIAISON
___LEADER HERALD

I. MINUTES FROM JANUARY 14, 2014 MEETING:

MOTION :
MADE BY :
SECONDED :
VOTE :

II. BUDGET REPORT:

MOTION :
MADE BY :
SECONDED :
VOTE :

III. COMMITTEE REPORTS:

A. Nominating Committee:

- No report.

B. Audit Committee:

- Audit Committee met with West & Company on March 13, 2014 to review draft 2013 Audit of IDA's Financial Statement.

C. Governance Committee:

- No report.

D. Finance Committee:

- No report.

IV. OLD BUSINESS:

A. Lot Sale Payment from 1988 Incubator Building Project in Crossroads Industrial Park:

- As part of the Authority Budget Office's (ABO) 2011 Compliance Review, the ABO found that, in 1987, the IDA donated 5.17 acres of land in the Crossroads Industrial Park to the Crossroads Incubator Corporation (CIC), with an understanding that if the land were to be transferred or sold, the IDA receive a payment for the lot.
- The CIC sold this property in 2007, but did not make a payment to the IDA.
- As a result, the IDA commenced an investigation into this 24 year old matter.
- The IDA's investigation determined that:
 - In 1988, the IDA provided 5.17 acres in the Crossroads Industrial Park to the CIC, at no cost, to use to construct an Incubator Building on the condition that the payment for the lots would be deferred until the property was sold. The lot sale price in 1988 was \$10,000/acre. Total price was \$51,700.
 - On February 1, 1988, the CIC executed a Collateral Security Mortgage in the amount of \$51,700.
 - On December 26, 2001, a Discharge of Mortgage was signed by the Chairman of the IDA stating that this Collateral Security Mortgage had been satisfied.
 - No record, however, was found verifying that the IDA actually received a payment in the amount of \$51,700 in December of 2001 from the CIC.
- Since this discovery was made, the IDA's Audit has included a note acknowledging this \$51,700 as an unknown receivable.
- The West & Company and IDA Counsel have both recommended that the IDA write off this amount as an uncollectable debt.

IDA DISCUSSION:

IDA ACTION:

MOTION: To authorize and approve writing off this \$51,700 unknown receivable from 1988 as an uncollectable debt.

MADE BY:

SECONDED:

VOTE:

B. Tryon Technology Park and Incubator Center Project:

1. Construction Project:

- Phase I Project will consist of six (6) main components:
 - 2,500 linear feet (LF) of new road
 - 3,900 LF of new waterline
 - 600 LF of new sanitary sewer line
 - Repair electrical system at wastewater pump station on north side of County Road 107
 - Repair pump at wastewater pump station on south side of County Road 107
 - Construct stormwater collection system for new road which will include roadside ditches, culverts and three (3) stormwater treatment basins.
 - Energize the electrical system onsite.
 - Charge the water system, disinfect water lines and turn off water pumps to ensure they are working properly.
 - Unplug sewer lines, restart sewer pumps to ensure they are working properly.
- Project scope was reduced to keep project cost within \$2 million project budget.
- As a result, a Phase II Project will be pursued at a later date. Additional grant funds will be applied for to help pay for Phase II. Phase II will include:
 - New water booster station.
 - New elevated water tank.
 - Reconfigured water and sewer lines.
- Phase I design plans have been sent to the following agencies for their review and approval:
 - Gloversville Board of Water Commissioners
 - NYSDEC
 - NYSDOH
 - Empire State Development
- Schedule:

April 23, 2014	:	Bids opened.
April 29, 2014	:	Economic Development and Environment Committee reviews bids.
May 12, 2014	:	Board of Supervisors awards contracts.
June, 2014	:	Construction starts.

October, 2014 : Construction completed.

- One (1) contract will be awarded:
 - General Construction
- In addition, the Highway Department is scheduled to repave the existing internal access road in 2014. This work will involve:
 - Widening road at intersection with County Road 107 to create left and right turn lanes for vehicles exiting site.
 - Install 1½" of new asphalt top over all existing roads.

C. Tryon Marketing Plan:

1. Request for Proposals (RFP):
 - RFP was distributed to 21 firms in 13 states nationwide.
 - Five (5) proposals were received.
 - Sent RFP to Mike Mullis to show follow-up work being pursued from his site visit.
 - Economic Development and Environment Committee will be reviewing proposals at their April 1, 2014 meeting.
 - Board of Supervisors scheduled to award contract at its April 14, 2014 meeting.
2. Scope of Work:
 - Prepare assessment of Fulton County region.
 - Prepare Labor Market Analysis.
 - Prepare Targeted Industry Analysis.
 - Prepare Tryon Marketing Plan that includes marketing strategy for each Targeted Industry Cluster.
 - Develop marketing materials.
 - Business Recruitment.
 - Prepare website dedicated to Tryon.
3. Engineering Evaluation of Emergency Generator:
 - Fulton County has hired C.T. Male to conduct an engineering evaluation of the existing generator to see if it could be reused to provide backup power.
4. National Grid Grant:
 - IDA was awarded \$75,000 National Grid grant to pay for 50% of cost of hiring marketing consultant to prepare Tryon Marketing Plan and conduct the engineering evaluation of the generator.
 - Fulton County will be executing Agreement with marketing consultant and C.T. Male.
 - National Grid has requested that the IDA execute an Agreement with Fulton County stating that the County shall pay for the Consultant's costs upfront, invoice the IDA, the IDA invoices National Grid, National Grid pays the IDA and the IDA reimburses the County.
 - Draft Agreement has been reviewed and approved by Kara Lais.

IDA DISCUSSION:

IDA ACTION:

MOTION: To authorize the Chairman to execute an Agreement with Fulton County regarding the disbursement of National Grid's Grant funds as part of the Tryon Marketing Plan Project and engineering evaluation of the emergency generator.

MADE BY:

SECONDED:

VOTE:

V. NEW BUSINESS:

A. 2013 Audited Financial Statement:

- West & Company has finalized 2013 Financial Statement.
- West & Company has issued an "unqualified opinion", which is the best opinion the IDA could receive.
- Audit Committee met with the West & Company and reviewed the entire Report.
- Audit Committee recommends acceptance of the 2013 Financial Statement.

IDA DISCUSSION:

IDA ACTION:

MOTION: To accept the 2013 Audited Financial Statement and authorize the Executive Director to file it under PARIS.

MADE BY:

SECONDED:

VOTE:

B. 2014 Fire Tax Bills for Tryon:

- IDA recently received 2014 Town of Perth Fire Tax Bills for the Tryon property.
- A total of seven (7) individual tax bills each for \$164.22 were received. The tax bills were received after the original due date.
- The total original payment due was \$1,149.54.
- Jim Mraz met with Town of Perth Assessor to try and understand why there are seven (7) individual bills all for the same amount. This methodology was established before the current assessor took office. He is not sure why it's done this way. He was going to discuss the situation with the Director of the Real Property Tax Services Agency to see if a single tax bill instead of 7 can be issued in future years.
- In the meantime, the IDA needs to pay these Fire Tax Bills.

IDA DISCUSSION:

IDA ACTION:

MOTION: To authorize the payment of the seven (7) Town of Perth 2014 Fire Tax invoices totaling \$1,149.54 for the Tryon property.

MADE BY:
SECONDED:
VOTE:

MOTION: To authorize the creation of a new budget line item titled Town of Perth Fire Taxes and to transfer \$1,149.54 from the Tryon: Building Systems Startup Account into this new account.

MADE BY:
SECONDED:
VOTE:

C. Proposed Updates to Policy 6: Property Disposition:

1. Background:
 - IDA Policy 6 deals with the disposition of IDA property.
 - The policy is modeled after the Public Authority Accountability Act.
 - The proposed changes incorporate changes from the Public Authority Accountabilities Reform Act.
2. Proposed Changes:
 - See Handout.

IDA DISCUSSION:

IDA ACTION:

MOTION:

MADE BY:
SECONDED:
VOTE:

D. Executive Session:

1. Upon a majority vote of its total membership, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, a public body may conduct an executive session for the below enumerated purposes only, provided, however, that no action by formal vote shall be taken to appropriate public moneys:
 - i. matters which will imperil the public safety if disclosed;
 - ii. any matter which may disclose the identity of a law enforcement agent or informer;
 - iii. information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
 - iv. discussions regarding proposed, pending or current litigation;
 - v. collective negotiations pursuant to article fourteen of the civil service law;
 - vi. the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;
 - vii. the preparation, grading or administration of examinations;
 - viii. the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.**

MOTION: To go into Executive Session to discuss, “the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.”

MADE BY :
SECOND :
VOTE :
TIME :

MOTION : To go out of Executive Session.
MADE BY :
SECOND :
VOTE :
TIME :

VI. CLOSE MEETING:

MOTION :
MADE BY :
SECONDED :
VOTE :
TIME :